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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The denial of right to self-determination has led to regime of human rights violation in Indian administered Kashmir

Kashmir has become a mess. Indian leaders and officials like to place all blame for the violence in Jammu and Kashmir on Pakistan. But they have ignored activists, academics, and numerous commissions established by various governments over the years that have repeatedly drawn attention to the lack of justice for victims of serious human rights violations by the Indian Government. Kashmiris demand for a plebiscite under UNSC Resolutions to decide their political future. The Indian Authorities consider protests by Kashmiris as anti-national. Even peaceful protests by students lead to charges of sedition punished with death penalty. Tens of thousands have been killed in Jammu & Kashmir in nearly three decades of fight for Right to Self Determination. Yet, impunity is the norm. India is desperate to change the narrative of Kashmir Issue. People in the occupied state are facing horrendous situation, un-proportionate use of force, detentions and unabated killings.

According to human rights and other independent organisations, Government Forces killed at least 145 civilians in 2016, 51 in 2017, and 39 more since January this year. Since summer 2008 agitation, Government Forces have killed over 600 civilians, mostly teenagers and youth. Indian Forces are giving body bags to Kashmiri families on a daily basis.

Case study. A man named Farooq Dar was abducted by the armed forces and tied to the front of a jeep. He was then paraded for hours, apparently, as an example to stone palters. According to Indian Army, this treatment was necessary to save the lives of soldiers by keeping the victim Farooq as a Human Shield.

The JK State Human Rights Commission decided that this was the "humiliation, physical, psychological torture, wrongful restraint and confinement". Furthermore it is true also in the way the man's life has since unfolded.

According to reports, he remains in a state of trauma and unable to find work. His community has disowned him, accusing him of being a collaborator. The matter has become a part of popular culture, and clothing material and even a scene in a recent movie have depicted it — from the Army's perspective only, unfortunately. After the violation of his rights on that day a year ago, the state has continued to debase him by denying him this compensation.

The J&K government has washed its hands of the issue by saying it was not involved in the violation of the man's rights and therefore was not liable to pay. The State has also pointed out, tellingly, the Human Rights Commission's observation that it had no jurisdiction to go into the conduct of the Army. Accused Army officer, Major Nitin Leetul Gogoi was commended rather than criminally investigated for unlawfully using a bystander as a "human shield".

Women

Women as a weaker section of society in Indian Administered Kashmir are facing the worst era of their life due to Indian atrocities. Massive use of lethal weapons, killing, loot and arson, molestation and sexual assault on women has become order of the day by the Indian Occupation Forces. There are nearly 3000 half-widows in Indian administered Jammu & Kashmir. Their husbands had been abducted by the Indian Occupation Forces and the intelligence agencies and women are waiting for their missing husbands for many years. In this grim situation, the people including women become vulnerable whereas the human rights organisations are not allowed to visit Occupied Kashmir to assess the ugly situation.

Children

Children in Jammu and Kashmir are living in the most militarized zone of the world, with the presence of 7,00,000 troopers, which exposes them to the risk of all grave violations against children as laid out in United Nations Convention on the Rights of the Child. Over the period of fifteen years; from 2003 to 2017, Indian Occupied Kashmir witnessed not less than 318 killings of children (in the age group of 1 to 17) in various incidents of violence in Jammu and Kashmir. The pattern of killings of children in the fifteen year period suggests that children were direct targets of State violence, as part of its stated offensive to curb uprising and militancy. At least 144, children were killed by Indian Armed Forces and State police in Jammu and Kashmir, which alone accounts for nearly half, i.e. 44.02 percent, of the total children killed. Most of the children, at least 110 of them, killed in state violence were shot dead in different incidents of violence, and not less than eight children died due to injuries inflicted from pellet shot guns fired by Government Forces. Twenty seven children died to due drowning; either caused due to the negligence of Armed Forces in Wular Lake tragedy or being chased by Government Forces during a protest, where victims find no way of escape

from the Armed Forces and are forced to jump into water bodies, resulting in their death. There are no legal and normative processes or practices protecting children's rights in Jammu and Kashmir, as hundreds of minors have been booked under the repressive Public Safety Act (PSA), with total disregard to the fact of their being children.

Freedom of Religion

On 12 May 2018 Police Authorities slapped Public Safety Act (PSA) on Jama'at-e-Islami and Tehreek-e-Hurriyat (TeH) leaders who were arrested on May 6; soon after they participated in the funeral prayers of a slain university professor, Dr Mohammad Rafi at Central Kashmir's Ganderbal District. They were arrested just because they participated in the last rituals of death of Dr Rafi who was son of their close friend.

On a routine, the Authorities impose restrictions on all roads leading to Jamia Masjid where Mirwaiz addresses Friday congregation every week and thus these remain closed.

Education

The unfavourable situation has badly hit the functioning of educational institutions since decades in Jammu & Kashmir, especially over the past two months. The institutions remained closed for 32 days since March 5, 2018.

The educational institutions were supposed to reopen after winter vacations on March 5, but the Government ordered closure of schools and colleges for almost a week, fearing student protests against the killings by Government Forces. Furthermore, Government on also ordered closure of all private tuition centres in Kashmir Valley for three months from April 2018.